

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)
)
CIRCUIT CITY STORES, INC., et al.,) **Case No.:** **08-35653-KRH**
Debtors.) **(Chapter 11)**

REVEREND DWAYNE FUNCHES,)
Individually, and as Independent Executor of)
the Estates of Travis Funches, Dione Funches,)
and Dwayne Funches, Jr., Emily Funches,)
Lovera Funches, and Shatira Funches,)
Individually,)
)
and)
)
CYNTHIA OOLLOWAY, Individually, and as)
Special Administrator of the Estate of Cedric)
Coy Langston, Jr., a Deceased Minor,)
Movants,)
)
v.)
)
CIRCUIT CITY STORES, INC., et al.,)
Respondent.)

AGREED ORDER

This day came the Movants, Reverend Dwayne Funches, Individually, and as
Independent Executor of the Estates of Travis Funches, Dione Funches, and Dwayne Funches,
Jr., Emily Funches, Lovera S. Funches, and Shatira Funches, Individually (the “Funches”);
Cynthia Olloway, Individually and as Special Administrator of the Estate of Cedric Coy
Langston, Jr., a Deceased Minor (“Olloway” and collectively with Funches, the “Movants”);
Debtors, Circuit City Stores, Inc. (“Debtors”), and the Unsecured Creditors’ Committee, each by
counsel, to be heard upon Movants’ *Amended Motion for Expedited Hearing* (the “*Expedited
Motion*”) on the *Motion for Relief from Automatic Stay of 11 U.S.C. § 362(a) and Supporting*

Memorandum of Law (the “*Motion for Relief*”), and the *Motion for Relief* if the *Expedited Motion* were granted. The parties reached a resolution as to the *Expedited Motion* and obtained Court approval of same at hearing, and agreed to set the *Motion for Relief* for a preliminary hearing on December 22, 2008, at 10:00 A.M. and final hearing on January 29, 2009, at 10:00 A.M., which scheduling the Court approved. The Court agreed at hearing to enter an order, as requested by the Movants and agreed to by all parties, granting (i) the Olloway *Motion for Joinder* filed in the Bankruptcy Court; (ii) advising the Cook County, Illinois Circuit Court that the automatic stay does not pertain to the state court litigation pending in that jurisdiction as brought by Funches and Olloway against non-debtor defendants, Thomson, RCA, and City of Chicago by operation of law, and as such, the litigation may continue without interruption as against those non-debtor defendants; (iii) the status hearing on the Substitution of Judge (“SOJ”) Motion may go forward tomorrow in Cook County Circuit Court, as well as the hearing(s) scheduled in that Court as to other non-debtor defendants and Movants on discovery, sanctions, and other matters, the parties may schedule the SOJ Motion to be heard on December 23, 2008, or later in that Court, and are to utilize Debtors’ state court counsel’s dates for scheduling same, if timely provided.

Based upon the pleadings, arguments made at hearing, and for good cause shown, the Court finding it reasonable and necessary to do so hereby **ORDERS, ADJUDGES, and DECREES** that:

1. The unopposed *Motion for Joinder* of Olloway is **GRANTED**;
2. The automatic stay does not apply by operation of law to the state court litigation pending in Cook County, Illinois Circuit Court against **non-debtor** defendants, Thompson,

RCA, and the City of Chicago, and as such, proceedings may continue without interruption as against those **non-debtor** parties;

3. To the extent the automatic stay does apply to the hearing(s) scheduled for December 4, 2008, in Cook County Circuit Court on the SOJ Motion status hearing, the automatic stay shall be **MODIFIED** to provide for the limited, specific relief of allowing the SOJ status hearing to continue and go forward as to all parties, including Debtors, so long as the SOJ Motion hearing that is subsequently scheduled is set for December 23, 2008, or later and if provided, Debtors' counsel's available dates are utilized for same;

4. A preliminary hearing on the *Motion for Relief* is scheduled by the agreement of the parties and set by order of the Court for **December 22, 2008, at 10:00 A.M.**;

5. A final hearing on the *Motion for Relief* is scheduled by the agreement of the parties and set by order of the Court for **January 29, 2009, at 10:00 A.M.**;

6. This order shall immediately take effect without any delay and/or the requirement of any finality period is **WAIVED** to facilitate same; and

7. The Clerk shall issue copies of this Order, upon entry, to all parties and/or counsel and those listed on the Attached Service List below.

ENTERED ON THE DOCKET: Dec 3 2008

Date: Dec 3 2008

/s/ Kevin Huennekens

The Honorable Kevin R. Huennekens
United States Bankruptcy Judge
Eastern District of Virginia
Richmond, Virginia

I ASK FOR THIS:

/s/ Lisa Taylor Hudson

C. Thomas Ebel, Esquire – VSB #18637
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Independent Executor of the Estates of Travis Funches, Dione Funches,
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Funches, Individually, and Cynthia Olloway, Individually and as Special
Administrator of the Estate of Cedric Coy Langston, Jr., a Deceased Minor*

SEEN AND AGREED:

/s/ Daniel F. Blanks

Daniel F. Blanks, Esquire
Douglas M. Foley, Esquire
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Counsel for Debtors, Circuit City Stores, Inc.

SEEN AND AGREED:

/s/ Lynn L. Tavenner

Lynn L. Tavenner, Esquire
Tavenner & Beran, PLC
20 North Eighth Street, Second Floor
Richmond, Virginia 23219
Counsel for Unsecured Creditors' Committee

PROOF OF SERVICE PURSUANT TO LOCAL RULE 9022-1(C)(2)

I hereby certify that the foregoing proposed Order has been served upon all necessary parties electronically by email as to Debtors and the Unsecured Creditors' Committee, and as to all others by United States Mail, postage prepaid on this 3rd day of December, 2008.

/s/ Lisa Taylor Hudson

SERVICE LIST

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COUNSEL FOR BANK OF AMERICA,
N.A.

COUNSEL FOR BANK OF AMERICA,
N.A.

CERTIFICATE OF NOTICE

District/off: 0422-7
Case: 08-35653

User: frenchs
Form ID: pdforder

Page 1 of 1
Total Served: 5

Date Rcvd: Dec 03, 2008

The following entities were served by first class mail on Dec 05, 2008.

+Bruce Matson, 951 East Byrd St., 8th Floor, Richmond, VA 23219-4055
+Chris Dickerson, 333 West Wacker Drive, Chicago, IL 60606-1220
+David Berman, Three Center Plaza, 6th Floor, Boston, MA 02108-2003
Gregg Galardi, One Rodney Sq., PO Box 636, Wilmington, DE 19899-0636
+Linda K. Myers, 200 East Randolph Drive, Chicago, IL 60601-6436

The following entities were served by electronic transmission.

NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have served the attached document on the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 05, 2008

Signature:

